

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. MAGGIE CROTTY

CO-CHAIR:
REP. BRENT HASSELT

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
271/785-2254

SEN. J. BRADLEY BURZYNSKI
SEN. JAMES CLAYBORNE, JR.
SEN. RANDY HULTGREN
SEN. DAN RUTHERFORD
SEN. IRA SILVERSTEIN
REP. JOHN FRITCHEY
REP. LOU LANG
REP. DAVID R. LEITCH
REP. DAVID MILLER
REP. ROSEMARY MULLIGAN

MINUTES

December 11, 2007

MEETING CALLED TO ORDER

The Joint Committee on Administrative Rules met on December 11, 2007 at 10:30 a.m. in Room 16-503 of the James R. Thompson Center in Chicago IL.

Co-Chair Hassert announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

Senator Bradley Burzynski	X Representative John Fritchey
Senator James Clayborne, Jr.	X Representative Brent Hassert
X Senator Maggie Crotty	X Representative Lou Lang
X Senator Randy Hultgren	X Representative David Leitch
X Senator Dan Rutherford	X Representative David Miller
X Senator Ira Silverstein	Representative Rosemary Mulligan

APPROVAL OF THE MINUTES OF THE PREVIOUS JCAR MEETING

Senator Rutherford moved, seconded by Representative Fritchey, to approve the minutes of the November 13, 2007 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

State Board of Elections – Miscellaneous (26 Ill. Adm. Code 207; 31 Ill. Reg. 12576)

Senator Hultgren, seconded by Representative Miller, moved that JCAR object to the rulemaking because the Board lacks statutory authority to permit amended statements of returns and abstracts of votes after the transmission of canvass results by the Board and proclamation of the Governor following an election. Sections 7-56 and 22-1 of the Election Code prescribe specific canvass procedures, but do not mention amendments. The Board has not cited any statutory basis

for allowing amended results. If the Board wishes to establish a mechanism for correcting reported election results, it should seek statutory authority to do so. The motion passed unanimously.

Secretary of State – Uniform Partnership Act (1997) (14 Ill. Adm. Code 166; 31 Ill. Reg. 12690) and Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171; 31 Ill. Reg. 12703)

Senator Crotty, seconded by Representative Leitch, moved that JCAR recommend that the SOS Business Services Department take care in the future to be more complete in its rulemaking efforts. In this instance, the Department has been long aware that the Uniform Partnership Act and the Revised Uniform Limited Partnership Act expire 1/1/08. While the Department will be able to adopt these new rules in time, it has not yet repealed the current regulations (14 Ill. Adm. Code 165 & 170). The existence of similar rules governing the same subject matter is likely to confuse the public. The motion passed unanimously.

Co-Chair Hassert asked if any member desired to discuss any other rulemaking. Senator Crotty requested that a rulemaking proposed by the Department of Public Health be removed from the No Objection List and be placed on the Agenda for the January 2008 meeting.

Department of Public Health – Smoke Free Illinois Code (77 Ill. Adm. Code 975; 31 Ill. Reg. 13672)

Representative Fritchey, seconded by Representative Lang, moved that the rulemaking be removed from the No Objection List and be placed on the Agenda for the January JCAR meeting. The motion passed unanimously.

CERTIFICATION OF NO OBJECTION

Senator Crotty moved, seconded by Senator Rutherford, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based on the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

OTHER BUSINESS

Co-Chair Hassert recognized Representative Lietch for a question.

Representative Leitch pointed out that, at the November meeting, he had requested that the Department of Healthcare and Family Services provide an estimation of the State's backlog of payments to Medicaid vendors and how long the Department believes those payments will be delayed. He stated that, in his district, the reported backlog is now over \$1 million. A month ago, the Comptroller had estimated the backlog at \$1 billion statewide. Representative Leitch asked HFS why JCAR had not received the requested information.

Ms Tamara Hoffman, Chief of Staff, represented the Department. She stated that the failure to produce the information was due to her personal oversight. She asked Representative Leitch for a clarification as to exactly what information he needed.

Representative Leitch said that he wanted HFS' estimate of the amount owed as of January 2008 and as of the end of FY 08. He stated his belief that it is important that JCAR have accurate information on the Medicaid backlog when it considers Medicaid-related issues that come before it. He wanted to know how HFS' estimate compares to the Comptroller's estimate.

Ms Hoffman said she will contact the HFS financial people and get the information for the Committee.

JANUARY MEETING DATE

Co-Chair Hassert announced that the next meeting was scheduled for Wednesday, January 9, 2008, 11:00 a.m., Room C-1, Stratton Office Building, Springfield IL.

ADJOURNMENT

Senator Crotty moved, seconded by Senator Hultgren, to adjourn the meeting. The motion passed unanimously.

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